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**U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:11-cv-00207-WKW -CSC**

Iacullo v. United States Department of Justice et al (MAG+)
Assigned to: Chief Judge William Keith Watkins
Referred to: Honorable Judge Charles S. Coody
Cause: 05:552 Freedom of Information Act

Date Filed: 03/18/2011
Date Terminated: 03/20/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Dino Iacullo

represented by **Dino Iacullo**
Reg. No. 30812-004
MONTGOMERY FEDERAL PRISON
CAMP
Inmate Mail/Parcels
MAXWELL AIR FORCE BASE
MONTGOMERY, AL 36112
PRO SE

V.

Defendant

United States Department of Justice

represented by **Robert Randolph Neeley**
U.S. Attorney's Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 223-7560
Email: Rand.Neeley@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Federal Bureau of Prisons**represented by **Robert Randolph Neeley**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/18/2011	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against Federal Bureau of Prisons, United States Department of Justice, filed by Dino Iacullo. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(jg,) No IFP filed and no filing fee received. Modified on 3/22/2011 to clarify text (jg,). (Entered: 03/22/2011)
04/22/2011	<u>2</u>	ORDER that, pursuant to 28 U.S.C. § 636, this case is referred to the Magistrate Judge for all pretrial proceedings and entry of any orders or recommendations that may be appropriate. Signed by Honorable William Keith Watkins on 4/22/2011. (jg,) (Entered: 04/22/2011)
04/22/2011	<u>3</u>	ORDER that on or before May 6, 2011, the plaintiff shall file either a motion for leave to proceed in forma pauperis with the appropriate supporting documentation or the \$350.00 filing fee. To aid the plaintiff in complying with this order, the CLERK is DIRECTED to furnish him with a copy of the form affidavit used by persons seeking to proceed in forma pauperis before this court. Signed by Honorable Charles S. Coody on 4/22/2011. (jg,)affidavit form sent with order as directed in order. (Entered: 04/22/2011)
05/02/2011	<u>4</u>	Application to Proceed Without Prepayment of Fees and Affidavit by Dino Iacullo. (Attachments: # <u>1</u> Supporting Documents)(jg,) (Entered: 05/02/2011)
05/25/2011	<u>5</u>	ORDER ON MOTION that <u>4</u> application for leave to proceed in forma pauperis is GRANTED except to the extent payment is required under this order; Directing Monthly Payments be made from Inmate's Prison Account until fee is paid in full; the clerk is DIRECTED to furnish a copy of this order to the inmate account clerk at the Montgomery Federal Prison Camp. Signed by Honorable Judge Charles S. Coody on 5/25/2011. (jg,)copy mailed to inmate account clerk at Montgomery Federal Prison Camp as directed in order. (Entered: 05/25/2011)
06/02/2011	<u>6</u>	MOTION/Request to Amend and Supplement Pleading <u>1</u> Complaint Due to the Courts Order on Motion by Dino Iacullo. (jg,) (Entered: 06/02/2011)

06/07/2011	<u>7</u>	ORDER that the motion to amend <u>6</u> filed by the plaintiff is GRANTED to the extent the plaintiff seeks to amend his complaint with a demand that an award of litigation expenses include the \$350.00 filing fee assessed by this court. Signed by Honorable Judge Charles S. Coody on 6/7/2011. (jg,) (Entered: 06/07/2011)
06/07/2011	<u>8</u>	Summons Issued: Summons and complaint sent by CMRRR as to United States Department of Justice, Federal Bureau of Prisons, US Attorney General and US Attorney's Office. (jg,) (Entered: 06/07/2011)
06/14/2011	<u>9</u>	Return Receipt Card showing service of summons and complaint signed by Nikesha R. Jackson for the US Attorney's Office served on 6/8/2011, answer due 8/7/2011 (jg,) Modified on 6/15/2011 to correct answer date (jg,). (Entered: 06/14/2011)
06/15/2011		Reset Answer Deadlines: Federal Bureau of Prisons 8/7/2011; United States Department of Justice 8/7/2011. (No pdf for this docket entry) (jg,) (Entered: 06/15/2011)
06/16/2011	<u>10</u>	Return Receipt Card showing service of summons and complaint signed by "name is illegible" for Federal Bureau of Prisons dated 6/13/2011. (jg,) (Entered: 06/16/2011)
06/20/2011	<u>11</u>	Return Receipt Card showing service of United States Department of Justice. (jg,) (Entered: 06/20/2011)
06/21/2011	<u>12</u>	Return Receipt Card showing service of summons and complaint signed by Emily S. for the US Attorney General on 6/13/2011. (jg,) (Entered: 06/21/2011)
08/08/2011	<u>13</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Federal Bureau of Prisons, United States Department of Justice. (Neeley, Robert) (Main Document 13 replaced on 8/9/2011 to reflect a correct pdf document) (jg,). (Entered: 08/08/2011)
08/09/2011	<u>14</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to United States Department of Justice, Federal Bureau of Prisons. Corporate Disclosures due by 8/19/2011. (Attachments: # <u>1</u> Corporate Conflict Standing Order) (jg,) (Entered: 08/09/2011)
08/09/2011	<u>15</u>	Corporate/Conflict Disclosure Statement re <u>14</u> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to United States Department of Justice, Federal Bureau of Prisons by Federal Bureau of Prisons, United States Department of Justice. (Neeley, Robert) Modified on 8/10/2011 to clarify docket text (jg,). (Entered: 08/09/2011)

08/09/2011	<u>1</u> <u>6</u>	NOTICE of Correction re <u>13</u> MOTION for Extension of Time to File Answer: Notice of Correction is being filed this date to advise that the referenced document was filed on 8/8/2011 and did not have a correct pdf attached. The corrected pdf is attached to this notice. (Attachments: # <u>1</u> Corrected Motion/Request for Extension of Time)(jg,) (Entered: 08/09/2011)
08/09/2011	<u>1</u> <u>7</u>	ORDER that the motion for an extension of time <u>13</u> be and is hereby GRANTED and the defendants' time in which to file an answer or other responsive pleading be and is hereby EXTENDED from August 7, 2011 until August 12, 2011. Signed by Honorable Judge Charles S. Coody on 8/9/2011. (jg,) (Entered: 08/09/2011)
08/12/2011	<u>1</u> <u>8</u>	MOTION to Dismiss or in the Alternative MOTION for Summary Judgment by Federal Bureau of Prisons, United States Department of Justice. (Attachments: # <u>1</u> Sentry Public Information, # <u>2</u> FOIA Request No. 2011-02286, # <u>3</u> Admin. Remedy Generalized Retrieval, # <u>4</u> Letter from Campbell, # <u>5</u> FOIA/PA Appeal No. 2011-00964, # <u>6</u> Letter from Janice McLeod, # <u>7</u> Affidavit Greene Declaration)(Neeley, Robert) Document has been edited to restrict access to personal information pursuant to the E-Government Act. Modified on 8/15/2011 to clarify docket text (jg,). (Additional attachment(s) added on 8/15/2011: # <u>8</u> Redacted Exhibit 1) (jg,). (Entered: 08/12/2011)
08/12/2011	<u>1</u> <u>9</u>	BRIEF/MEMORANDUM in Support re <u>18</u> MOTION for Summary Judgment MOTION to Dismiss filed by Federal Bureau of Prisons, United States Department of Justice. (Neeley, Robert) (Entered: 08/12/2011)
08/15/2011	<u>2</u> <u>0</u>	ORDER that defendants <u>18</u> motion to dismiss is properly construed as and converted into a motion for summary judgment; that the motion for summary judgment is to be submitted on the motion, the pleadings, and any documents or other evidence the party seeking summary judgment has already filed or which the plaintiff may wish to file in response on or before August 29, 2011 as further set out in this order. Signed by Honorable Judge Charles S. Coody on 8/15/2011. (jg,) (Entered: 08/15/2011)
08/18/2011	<u>2</u> <u>1</u>	NOTICE of Non-Receipt of Defendants Motions, Motion to Compel Defendants Motions, and Objections to Defendants Extension of Time by Dino Iacullo (Attachments: # <u>1</u> Exhibit A)(jg,) (Entered: 08/18/2011)
08/29/2011	<u>2</u> <u>2</u>	MOTION Opposing Defendants Summary Judgement Motion and Plaintiff's Continued Request for Default Judgement by Dino Iacullo. (Attachments: # <u>1</u> Exhibit 1-Medical Service, # <u>2</u> Exhibit 2-Affidavit, # <u>3</u> Exhibit 3-Medical Services)(jg,) (Entered: 08/29/2011)
09/08/2011	<u>2</u> <u>3</u>	ORDER that defendants' motion for summary judgment <u>18</u> be and is hereby set for oral argument on September 27, 2011, at 1:30 p.m. This proceeding shall be conducted by telephone conference. The United States shall set up the telephone conference. The persons at the Federal Bureau of Prisons or the persons having custody of the plaintiff shall produce him for the telephone conference call. Signed by Honorable Judge Charles S. Coody on 9/8/2011. (jg,) (Entered: 09/08/2011)

09/20/2011	<u>2</u> <u>4</u>	MOTION to Continue by Federal Bureau of Prisons, United States Department of Justice. (Neeley, Robert) (Entered: 09/20/2011)
09/21/2011	<u>2</u> <u>5</u>	ORDER granting <u>24</u> MOTION to Continue and oral argument on the dfts' <u>22</u> Motion for Summary Judgment be and is hereby CONTINUED from 9/27/2011, at 1:30pm to 10/13/2011 at 01:30 PM by telephone to be set up by the United States before Honorable Judge Charles S. Coody; The persons at the Federal Bureau of Prisons or the persons having custody of the plf shall produce him for the telephone conference call. Signed by Honorable Judge Charles S. Coody on 9/21/2011. (furn: Calendar, ws, BOP, USMS) (wcl,) (Entered: 09/21/2011)
10/13/2011	<u>2</u> <u>6</u>	Minute Entry for proceedings held before Honorable Judge Charles S. Coody: Oral Argument by Telepone held on 10/13/2011 (PDF available for court use only). (Recording Time FTR: 1:29 - 1:38.) (ws,) (Entered: 10/13/2011)
10/14/2011	<u>2</u> <u>7</u>	ORDER directing the plaintiff to file a written Response to the <u>18</u> Motion for Summary Judgment by 10/28/2011; directing the defendants to produce certain documents to plaintiff by 11/18/2011 as further set out in the order; granting plaintiff's <u>22</u> MOTION to compel to the extent that defendants are to provide copies of documents <u>18</u> , <u>19</u> , and <u>24</u> to plaintiff by 10/28/2011; directing the clerk to furnish plaintiff with copies of documents <u>20</u> , <u>23</u> , and <u>25</u> ; denying the <u>22</u> motion to compel in all other respects. Signed by Honorable Judge Charles S. Coody on 10/14/2011. (br,) (Entered: 10/14/2011)
10/20/2011	<u>2</u> <u>8</u>	Response to Order re <u>27</u> Order by Dino Iacullo. (jg,) (Entered: 10/20/2011)
11/22/2011	<u>2</u> <u>9</u>	ORDER that on or before December 6, 2011, the parties shall show cause why this case should not be dismissed as moot. Signed by Honorable Judge Charles S. Coody on 11/22/2011. (jg,) (Entered: 11/22/2011)
12/06/2011	<u>3</u> <u>0</u>	Plaintiff's RESPONSE to <u>29</u> Court Order by Dino Iacullo. (Attachments: # <u>1</u> Exhibit A)(jg,) (Entered: 12/06/2011)
12/06/2011	<u>3</u> <u>1</u>	RESPONSE TO ORDER TO SHOW CAUSE by Federal Bureau of Prisons, United States Department of Justice re <u>29</u> Order, Set Deadlines. (Neeley, Robert) (Entered: 12/06/2011)
12/16/2011	<u>3</u> <u>2</u>	Petitioner's Motion in Opposition to <u>31</u> Defendants Response to Order to Show Cause by Dino Iacullo. (jg,) (Entered: 12/16/2011)
01/11/2012	<u>3</u> <u>3</u>	RECOMMENDATION OF THE MAGISTRATE JUDGE that this case be DISMISSED as moot as further set out in order. Objections to R&R due by 1/25/2012. Signed by Honorable Judge Charles S. Coody on 1/11/2012. (jg,) (Entered: 01/11/2012)

01/25/2012	3 4	Plaintiffs Objections to 33 Magistrate Judge's Report and Recommendations by Dino Iacullo. (jg,) (Entered: 01/25/2012)
02/23/2012	3 5	ORDER: Upon consideration of Plaintiff's Objections to the Magistrate Judge's Report and Recommendation 34 , it is ORDERED that Defendants shall file a response to Plaintiff's Objection on or before March 7, 2012. Signed by Chief Judge William Keith Watkins on 2/23/2012. (jg,) (Entered: 02/23/2012)
03/07/2012	3 6	MOTION for Extension of Time to File Response/Reply as to 35 Order, by Federal Bureau of Prisons, United States Department of Justice. (Neeley, Robert) (Entered: 03/07/2012)
03/08/2012	3 7	ORDER: Upon consideration of Defendants' Motion for Extension of Time 36 , it is ORDERED that the motion is GRANTED and that the deadline for Defendants to file a response to Plaintiff's Objection is EXTENDED from March 7, 2012, to and including March 9, 2012. Signed by Chief Judge William Keith Watkins on 3/8/2012. (jg,) (Entered: 03/08/2012)
03/09/2012	3 8	Response to 34 Plaintiff's Objections re 35 Order, by Federal Bureau of Prisons, United States Department of Justice. (Attachments: # 1 Exhibit, # 2 Exhibit)(Neeley, Robert) Modified on 3/12/2012 to correct docket text and link to objections (jg,). (Entered: 03/09/2012)
03/20/2012	3 9	ORDER that: 1. Plaintiff's objection 34 is OVERRULED; 2. the Recommendation of the Magistrate Judge 33 is ADOPTED; and 3. this case is DISMISSED as moot.A separate final judgment will be entered. Signed by Chief Judge William Keith Watkins on 3/20/2012. (jg,) (Entered: 03/20/2012)
03/20/2012	4 0	FINAL JUDGMENT: In accordance with the prior proceedings, opinions, and orders of the court, it is the ORDER, JUDGMENT, and DECREE of the court that this action is DISMISSED as moot. The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment, pursuant to Rule 58 of the Federal Rules of Civil Procedure. Signed by Chief Judge William Keith Watkins on 3/20/2012. (Attachments: # 1 Civil Appeals Checklist)(jg,) (Entered: 03/20/2012)
03/20/2012	4 1	REPLY to Dft's 38 Response to Plf's Objections, filed by Dino Iacullo. (wcl,) (Entered: 03/20/2012)

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